

Remarks

Applicants respectfully request reconsideration of the present U.S. Patent application as amended herein. Claims 1, 12 and 20 have been amended. Claims 19 and 26-30 have been canceled previously. No claims have been added or canceled herein. Thus, claims 1-18 and 20-25 are pending.

CLAIM REJECTIONS – 35 U.S.C. § 102(b) AND (c)

Claims 1-6, 9-16 and 20-25 were rejected as being anticipated by U.S. Patent No. 6,347,375 issued to Reinert, et al. (*Reinert*). For at least the reasons set forth below, Applicants submit that claims 1-6, 9-16 and 20-25 are not anticipated by *Reinert*.

Claim 1 recites:

initializing a virus scanner during a pre-boot phase of a computer system from firmware that is embedded within the computer system in response to a computer system reset;
determining whether to perform a memory scrub based on a platform policy;
scrubbing data read from an input/output (I/O) device of the computer system during the pre-boot phase by the virus scanner using a virus signature database before the data is loaded, wherein the virus signature database is stored in a place not exposed to the operating system and is updated during the pre-boot phase; and
enacting a platform policy if a virus is detected in the data.

Thus, Applicants claim virus scanning in response to computer system reset. Further, the virus scanner determines whether to perform a memory scrub based on platform policy and data read from an I/O device to be stored in memory during the pre-boot phase are scrubbed. Claims 12 and 20 similarly recite the virus scanner functionality.

Reinert discloses initiation of the virus scanner based on user input. See col. 7, lines 60-64. Thus, the virus scanner is not initiated in response to system reset. Further, *Reinert* does not appear to disclose determination of memory scrub based on platform policy or scrubbing of data from an I/O device to memory during the pre-boot phase. Therefore, *Reinert* cannot anticipate the invention as recited in claims 1, 12 and 20

Claims 2-6 and 9-11 depend from claim 1. Claims 13-16 depend from claim 12. Claims 21-25 depend from claim 20. Because dependent claims include the limitations of the claims from which they depend, Applicants submit that claims 2-6, 9-11, 13-16 and 21-25 are not anticipated by *Reinert* for at least the reasons set forth above.

CLAIM REJECTIONS – 35 U.S.C. § 103(a)

Claims 7, 8, 17 and 18 were rejected as being unpatentable over *Reinert* in view of *Ho*. Applicants agree with the Office Action that *Reinert* does not disclose VMMs or VMs. See Office Action at page 6. *Ho* is cited to VMMs or VMs. *Id.* However, *Ho* does not cure the deficiencies of *Reinert* with respect to firmware. Therefore, the combination of *Reinert* and *Ho* does not result in the invention as recited in claims 7, 8, 17 and 18.

CONCLUSION

For at least the foregoing reasons, Applicants submit that the rejections have been overcome. Therefore, claims 1-18 and 20-25 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present

application. Please charge any shortages and credit any overcharges to our Deposit

Account number 02-2666.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

Date: August 3, 2009

/Paul A. Mendonsa/
Paul A. Mendonsa
Attorney for Applicant
Reg. No. 42,879

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026
(503) 439-8778